

Message Text

CONFIDENTIAL

PAGE 01 CAIRO 02831 051517Z

51

ACTION L-03

INFO OCT-01 EUR-25 NEA-14 ISO-00 CIAE-00 PM-07 H-03 INR-10

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 IGA-02 IO-14 AF-10 SAM-01 SAB-01 EB-11

OMB-01 DRC-01 /175 W

----- 041449

R 051350Z MAY 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC 6506

INFO AMEMBASSY LONDON

SECDEF WASHDC

JCS WASHDC

CINCUSNAVEUR

USCINCEUR

COMSIXTHFLT

C O N F I D E N T I A L CAIRO 2831

EO 11652: GDS

TAGS: PFOR MARR EAID EG UK

SUBJECT: SUEZ CANAL CLEARANCE AGREEMENT

REF: STATE 91848

1. APPRECIATE DEPARTMENT/DOD CONCERN THAT THERE BE AGREE-
MENT BETWEEN USG AND GOE AND THAT STATUS OF FORCES COVERAGE
AND MATTERS OF LIABILITY AND INDEMNIFICATION BE CLEARLY
SPELLED OUT. IN THIS CONTEXT, HAVE CAREFULLY STUDIED NOTE
PROPOSED REFTEL TO BE HANDED "INFORMALLY" TO FAHMY.
RECOGNIZE EFFORT THAT CLEARLY WENT INTO MAKING IT PALATABLE
TO EGYPTIAN SENSITIVITIES, BUT MY BEST JUDGMENT IS THAT IT
WILL STILL CREATE PROBLEMS FOR EGYPTIANS. SUCH NOTE CAN
HARDLY BE HANDED TO FAHMY "INFORMALLY". ON CONTRARY,
HANDING IT TO THE MINISTER AT ONCE FORMALIZES ITS STATUS.

2. HAVE SOUNDED OUT OMAR SIRRI, THE FOREIGN MINISTER'S
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 CAIRO 02831 051517Z

CHEF DE CABINET, ON HIS REACTION TO SUCH A NOTE. IT WAS

NEGATIVE. WHILE HE INDICATED PERSONAL UNDERSTANDING OF THE RATIONALE OF OUR WANTING AS COMPREHENSIVE AN AGREEMENT AS POSSIBLE, HE THOUGHT THAT THE TYPE OF NOTE WE ARE NOW THINKING OF PRESENTING MAY REQUIRE THE WHOLE EXCHANGE TO HAVE TO BE REFERRED TO THE PEOPLE'S ASSEMBLY. THIS, IN HIS VIEW, IS UNDESIRABLE SINCE IT WOULD CAUSE EMBARRASSMENT TO THE GOE'S DOMESTIC IMAGE. ADDITIONALLY, WORD WOULD GET OUT THAT THAT GOE MAY BE ACCEPTING LIMITATIONS ON ITS SOVEREIGNTY AND SADAT'S ENEMIES WOULD MAKE MUCH OF THIS.

3. SIRRI IS PROBABLY RIGHT. IF SO, THE GOE MIGHT REACT IN ONE OF A NUMBER OF WAYS:

(A) IT MIGHT SEND A RESPONSE GIVING ITS OWN UNDERSTANDING OF OUR UNDERSTANDINGS. IN THE PROCESS WE COULD WELL GENERATE A BOUT OF SEVERAL MORE CLARIFICATORY EXCHANGES. IN EACH OF THESE WE COULD EXPECT THE GOE TO BECOME INCREASINGLY STIFF IN INSURING THAT ITS SOVEREIGN RIGHTS ARE SAFEGUARDED. THIS WOULD INEVITABLY BE DAMAGING TO GOOD WILL WHICH NIMBUS STAR HAS THUS FAR CREATED. IT WOULD MAKE IT MORE DIFFICULT, MOREOVER, TO WORK OUT PROBLEMS PRAGMATICALLY.

(B) FAHMY MAY TAKE IT UP WITH THE SECRETARY TO COMPLAIN ABOUT "LAWYERS' AGREEMENTS" (A FAVORITE PHRASE) THAT WE ARE TRYING TO PRESS UPON EGYPT.

(THE PRESIDENT RECENTLY TOLD CODEL DELLENBACK THAT, UNLIKE THE SOVIETS, WE WERE NOT ATTEMPTING TO PRESS THE GOE TO CONCLUDE FORMAL AGREEMENT WITH RESPECT TO THE NIMBUS STAR OPERATIONS.)

(C) GOE MAY DECIDE IT HAS NO OPTION BUT TO SUBMIT THE WHOLE AGREEMENT TO THE PEOPLE'S ASSEMBLY. IN THAT CASE IT BECOMES INOPERATIVE PENDING ASSEMBLY APPROVAL. WE WOULD THEN BE UNCOVERED FOR WHATEVER TIME IT TAKES, AND PEOPLE'S ASSEMBLY IS RATHER SLOW ON SUCH MATTERS.

4. NONE OF THE ABOVE POSSIBLE EGYPTIAN OPTIONS WOULD BE VERY HELPFUL. A LESS IRRITATING ALTERNATIVE APPROACH, IF DEPT/DOD FIND IT MEETS THEIR MINIMAL REQUIRMENTS, CONFIDENTIAL

CONFIDENTIAL

PAGE 03 CAIRO 02831 051517Z

WOULD BE FOR ME TO GO BACK TO FAHMY AND ASK THAT HE WITHDRAW HIS INITIAL APRIL 25 NOTE AND SEND ME A SUBSTITUTE WHICH SPECIFICALLY STATES THAT, SUBJECT TO THE QUALIFICATIONS CONTAINED IN ITS VARIOUS COMMENTARY PARAGRAPHS ON THE PROVISIONS OF OUR NOTE, HIS NOTE AND MY EARLIER NOTE OF APRIL 13 CONSITITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS. I THINK, ALTHOUGH I CANNOT BE SURE, I COULD GET HIM TO DO THIS. PURSUANT TO PARA 9 OF MY APRIL 13 NOTE, WE COULD

THEN PUT TEXT SET FORTH PARA 3 REFTEL INTO AN UNSIGNED INTER-
PRETIVE MEMORANDUM OF UNDERSTANDING. GOE MIGHT, OF COURSE,
COME UP WITH A COUNTER MEMORANDUM OF UNDERSTANDING INDICATING
ITS INTERPRETATION. DESPITE POSSIBILITY OF THE LATTER, VIRTUE
OF THIS PROCEDURE WOULD BE THAT IT WOULD TRULY INFORMALIZE,
RPT INFORMALIZE, THE NEGOTIATING PROCESS OF DETERMINING
MUTUALLY AGREED UNDERSTANDING AS TO THE MEANING OF THE
BASIC EXCHANGE.

5. FOREGOING IS SUBMITTED FOR DEPT/DOD CONSIDERATIONS.
I WILL HOLD UP ACTION PENDING FURTHER GUIDANCE
ON DEPT/DOD REACTION TO ABOVE ALTERNATIVE PROCEDURE. AM,
OF COURSE, PREPARED TO PROCEED WHICH EVER WAY DEPT WISHES,
JUST SO LONG AS WE ARE FULLY AWARE OF THE POTENTIAL RISKS
IN COURSE OF ACTION WE DECIDE TO FOLLOW. (CAN ONLY
REITERATE EARLIER COMMENT THAT I AM CONFIDENT WE CAN WORK
OUT WITH GOE ANY PROBLEMS THAT MAY ARISE WHETHER OR NOT
WE HAVE A FORMAL AGREEMENT. I RECOGNIZE PROBLEMS THAT SUCH
AN AD HOC PROCEDURE UNDERSTANDABLY POSE FOR LEGAL COMMUNITY,
BUT IT IS A FACT THAT WE CAN OFTEN GET MORE DONE IN EGYPT
WITHOUT AN AGREEMENT THEN WE CAN WITH ONE.)

6. RE PARA 4 REFTEL, MY NOTE OF APRIL 15 WAS JUST THAT.
THE FACT THAT FAHMY CALLS IT A LETTER IS A MATTER OF
PERSONAL PHRASEOLOGY. IF WE ADOPT ALTERNATIVE COURSE
PROPOSED PARA 3 ABOVE, I WOULD ASK HIM TO USE THE TERM
"NOTE" INSTEAD OF "LETTER". RE PARA 5 REFTEL, I AM NOT AWARE
THAT THE EGYPTIANS ARE REQUIRING IDENTITY CARDS FOR SHIPS'
CREWS WHO REMAIN ABOARD THEIR VESSELS. I WILL RAISE
THIS INFORMALLY WITH THE EGYPTIANS AND CONFIRM THAT THEY
DO NOT REQUIRE SUCH ID CARDS.

7. APPRECIATE INFO RE WHEELER OPERATION CONTAINED PARA 6
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 CAIRO 02831 051517Z

REFTEL.
EILTS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SUEZ CANAL, NIMBUS STAR OPERATION, DIPLOMATIC NOTES, STATUS OF FORCES AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974CAIRO02831
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740108-0544
From: CAIRO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740573/aaaacnqj.tel
Line Count: 156
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 91848
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUN 2002 by kelleyw0>; APPROVED <31 JAN 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SUEZ CANAL CLEARANCE AGREEMENT
TAGS: PFOR, MARR, EAID, EG, UK, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005